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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,516	12/30/1998	DENNIS M. O'CONNOR	INTL-0134-US	1486

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EXAMINER	
NGUYEN, HUY THANH	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/223,516	O'CONNOR ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-47,49 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-47 and 49-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 45 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Hibi et al (5,546,191).

Regarding claim 45, Hibi discloses a receiver (Fig. 19) comprising:

a first device (tuner) to receive a broadcast television program;

a second device (97) coupled to said first device to detect a characteristic of said program (column 28, lines 1-20);

third device (recorder) to record a portion of said program in response to the detection of said characteristic (column 28, lines 1-200; and

fourth device for concatenating a series of recorded replays (Fig. 16).

Regarding claim 47, Hibi further teaches said receiver is a computer system since the receiver having capacity of detect comparing , controlling and gathering portions of program and program (Fig. 16) .

Applicant argues that Hibi does not teaches means for automatically concatenating the relays. In response the examinee disagrees . It is noted that Hibi teaches that the replays are automatically concatenating since the replays are arranged into a list of sequential playback . Hibi teaches the relays are automatically captured and arranged in time sequence as a list , Fig. 16 show a display of recorded replays arranged into a list of a sequential relays for playback in time base to enable a user to select or to automatic sequential playback . Upon the user selects a playback , all the replays will be automatically sequentially played back by the apparatus .

Applicant argues that Hibi does not teaches "automatic sequential playback" . In response the examiner disagrees. It is noted that a Fig 16 and column 13 lines 1-17 column 24 lines 50-56) Hibi teaches that the replays (portions of a program) are being represented by small screens, when a screen is selected to playback (reproduced) the recorded replays are start to play back from the picture of the selected small screen and all the recorded replays from the picture of the selected small screen are automatically sequentially played back .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 45-46 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Heo et al (DE 19737889) ,(US 2002/0176689 A1 is a family member of (DE 19737889 and is used as English translation) in view of Lee et al (6,310,839).

Regarding claim 45, Heo discloses a receiver (US 2002/0176689 A1 (Fig. 2) , page 1 section 0021, page 2 , sections 0023 –0035) comprising:

a first device (ANT and tuner) to receive a broadcast television program;

a second device (206) coupled to said first device to detect a characteristic of said program (highlight portion); and

third device (recorder) to record a portion of said program in response to the detection of said characteristic.

Heo fails to teach means for concatenating the recorded replay.

Lee teaches a receiver to automatically concatenate a series of recorded replays (Fig. 7).

It would have been obvious to one of ordinary sill in the art to modify Heo with Lee by provide the receiver of Heo with a concatenating means as taught by Lee for enhancing the capacity of the apparatus of Heo in concatenating the recoded relays.

Applicant argues that Heo as modified with Lee does not teach the recoded replays are concatenating for automatic sequential playback . In response, the examiner disagrees It is noted that Lee teaches the recorded replays are analyzed and automatically arranged into a list of a sequent for automatic sequential playback . When the user or viewer selects the relays for a sequential playback , the relays will be automatically played by the apparatus (Fig. 7, column 3 and 4). Applicant argued that that Lee does not teaches " automatic sequential playback" . In response the examiner disagrees . It is noted that Lee at Fig.7 teaches automatic sequential playback since the highlight number for recoded replays as shown on the display are arranged in a sequential manner and when the highlight numbers are selected , the recoded relays correspond to the selected highlight numbers are automatically played back .

Regarding claim 46, Heo further teaches the second device to detect a queue encoded with the program (US 2002/0176689 A1, Fig. 4).

Regarding claim 49, Heo further teaches said second device to detect a signal indicating that recording should start and another signal indicating that recording should end (US 2002/0176689 A1, Fig. 6 and 8).

Regarding claim 50, Heo further teaches said first device to receive a signal including a queue to indicate the start of recording by said video recorder (US 2002/0176689 A1, Fig. 4).

5. Claim 45-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al (5,778,137) in view of Taira et al (5,636,200).

Regarding claim 45, Nielsen discloses a receiver comprising a first device for receiving a broadcast program; a second device (109)) coupled to said first device to detect a characteristic of said program (highlight portion) (reference level) and

a video recorder (113) to record as a replay a portion of said program in response to the detection of said characteristic (column 1, lines 50-65, column 2, lines 30-36, column 3, lines 1-41, column 4, lines 5-20).

Nielsen further teaches that the receiver can record a plurality of relays (column 2, lines 1-10) but fails to teaches means for concatenating the replays for automatic sequential playback .

Taira teaches a receiver having means for concatenating a series of recorded replays (cells or segments) for automatic sequential playback (column 9 and 10).

It would have been obvious to one of ordinary sill in the art to modify Nielsen with Taira by provide the receiver of Nielsen with a concatenating means as taught by Taira for enhancing the capacity of the apparatus of Nielsen in playing back the recorded relays.

Regarding claim 46, Nielsen further teaches the second device to detect a queue encoded with the program (column 3, lines 5-20).

Regarding claim 47, Nielsen further teaches said receiver is a computer system. (column 5, lines 15-21).

Regarding claim 49, Nielsen further teaches said second device to detect a signal indicating that recording should start and another signal indicating that recording should end (Column 3, lines 8-20, column 4, lines 40-50) ..

Regarding claim 50, Nielsen further teaches said first device to receive a signal including a queue to indicate the start of recording by said video recorder (column 3 lines 8-20, column 4, line 40-50).

Response to Arguments

6. Applicant's arguments filed 11 December 2006 have been fully considered but they are not persuasive.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

HUY NGUYEN
PRIMARY EXAMINER